

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	8:04CV582
)	
Plaintiff,)	
v.)	
)	
PATRICIA A. ROBINSON, et al.,)	JUDGMENT AND DECREE
)	OF FORECLOSURE
Defendants.)	AND ORDER OF SALE

This matter is before the Court for determination upon the Complaint filed by the Plaintiff, United States of America, pursuant to the Motion for Default Judgment (Filing No. 8). The Plaintiff appears by and through its attorneys, Michael G. Heavican, United States Attorney for the District of Nebraska, and Robert L. Homan, Assistant United States Attorney for the District. The Defendants, Patricia A. Robinson and The Pacesetter Corporation n/k/a Optimus Corporation, failed to answer or otherwise appear or plead to the allegations contained in the Complaint, and they are in default in this action.

Having examined the record of these proceedings, and having been fully advised in the premises, the Court finds that it has jurisdiction of these proceedings pursuant to Title 28, United States Code, § 1345, and that due and legal notice of the pendency of this action has been given to the Defendants. (Filing Nos 3, 5). The Court has acquired jurisdiction of all the parties.

The Court finds that each and all of the allegations of Plaintiff's Complaint are true, and that the Plaintiff is entitled to a Decree of Foreclosure and Order of Sale. The premises described below will sell to the best advantage in one entire tract.

There is due and owing to the Plaintiff as of February 24, 2005, the principal sum of \$60,747.54, plus accrued interest in the amount of \$7,516.29, together with interest

accruing at the rate of \$13.3144 per day from February 24, 2005, until the date of entry of this decree, and \$16,054.04 interest credit or subsidy subject to recapture. Interest will accrue on the sums from and after the date of entry of this decree at the legal rate of 3.32 percent (3.32 %) computed daily and compounded annually until paid in full. The amount due Plaintiff as stated herein is the first lien on the following described real estate in Phelps County, Nebraska, to-wit:

Lot Six (6), Block Eight (8), Einsel's First Addition to the
Original Town, now city of Holdrege, Phelps County, Nebraska

Based on these facts,

IT IS ORDERED, ADJUDGED AND DECREED:

1. The Motion for Default Judgment (Filing No. 8) is granted;
2. Judgment is entered against defendants Patricia A. Robinson and The Pacesetter Corporation n/k/a Optimus Corporation;
3. The foregoing findings are incorporated in this decree and order by this reference;
4. If the costs as indicated below and the several amounts above found due and interest thereon be not paid within twenty (20) days from the date of this decree, then all equity of redemption in the premises is foreclosed and the premises shall be sold as upon execution in one entire tract;
5. The Plaintiff shall apply for, and the Clerk of the United States District Court shall issue, an Order of Sale;
6. The United States Marshal for the District of Nebraska shall thereupon advertise and sell, according to law, the aforementioned property;

7. As upon execution, the United States Marshal shall report his proceedings under this Decree and Order to this Court and shall deposit the proceeds of the sale, if any, into the Registry of the Court;
8. Upon confirmation of the sale, the Clerk shall apply the proceeds as follows:
 - a. First, to the payment of the costs of the Plaintiff, and to the United States Marshal for service of Summons and Complaint and execution of Order of Sale;
 - b. Second, to the payment of the amount found due the Plaintiff with interest thereupon according to law;
 - c. Third, to the payment of the costs of the United States Marshal for per diem and special requirements; and

That the Clerk shall retain in the Registry of the Court any surplus from the sale until further order of the Court.

9. The aforementioned costs will be determined, after confirmation of sale, pursuant to the procedures described in Rule 54.1 of the Local Rules of the United States District Court for the District of Nebraska.
10. Upon confirmation by the Court of the sale of the aforementioned real estate, the United States Marshal shall execute a deed to the purchaser(s); and the parties of this Decree and Order and all persons claiming under them are ordered to deliver possession of the real estate to such purchaser(s).

Dated this 19th day of April, 2005.

BY THE COURT:

s/Laurie Smith Camp
Laurie Smith Camp
United States District Judge